

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICIA L. ABRAMS, et al.,

Plaintiffs,

v.

CHESAPEAKE ENERGY
CORPORATION; et al.,

Defendants.

PAUL H. ARNOLD, et al.,

Plaintiffs,

v.

CHESAPEAKE ENERGY
CORPORATION; et al.,

Defendants.

ROBERT C. ABRAMS, JR., et al.,

Plaintiffs,

v.

CHESAPEAKE ENERGY
CORPORATION; et al.,

Defendants.

Case No. 4:16-cv-01343-MWB

(Judge Matthew W. Brann)

Case No. 4:16-cv-01345-MWB

(Judge Matthew W. Brann)

Case No. 4:16-cv-01346-MWB

(Judge Matthew W. Brann)

<p>KYLIE E. AHERN a/k/a KYLIE E. PERRY, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>CHESAPEAKE ENERGY CORPORATION; et al.,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 4:16-cv-01347-MWB</p> <p style="text-align: center;">(Judge Matthew W. Brann)</p>
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JOINT STATUS REPORT

Pursuant to the Court's March 30, 2023 Order in *Patricia L. Abrams v. Chesapeake Energy Corporation, et al.*, 4:16-cv-1343 ("P. Abrams"), ECF No. 138; *Paul H. Arnold, et al. v. Chesapeake Energy Corporation, et al.*, 4:16-cv-1345 ("Arnold"), ECF No. 135; *Robert C. Abrams, Jr., et al. v. Chesapeake Energy Corporation*, 4:16-cv-1346 ("R. Abrams"), ECF No. 129; and *Kylie E. Ahern, et al. v. Chesapeake Energy Corporation*, 4:16-cv-1347 ("Ahern"), ECF No. 130, counsel for the parties submit the following as their Joint Status Report:

1. In their recent status reports, the parties have informed the Court of two developments: (i) the status of motions to approve settlement agreements that were pending in Chesapeake Energy Corp.'s Chapter 11 bankruptcy in the United States Bankruptcy Court for the Southern District of Texas, Case No. 20-33233, and (ii) the Pennsylvania Supreme Court's ruling against the Pennsylvania Attorney General in the AG Action, dismissing all but one of the Commonwealth's claims. The parties provide a further update below.

2. On August 23, 2021, the United States District Court for the Southern District of Texas, entered an Order granting final approval of the settlement agreements referenced in the preceding paragraph, disposing of claims asserted in the four above captioned cases against Chesapeake Energy Corporation and its affiliates and against The Williams Companies, Inc. and

its affiliates. This Order remains the subject of two appeals before the Fifth Circuit Court of Appeals, and the docket sheet, Case No. 21-20456, reflects that the principal briefs of several appellees were filed on April 27, 2022, and April 28, 2022, that the reply briefs of the respective appellants were filed on May 18, 2022, and that oral argument was heard on August 30, 2022.

3. Following the Pennsylvania Supreme Court’s March 24, 2021 decision that dismissed the Commonwealth’s claims under the Pennsylvania Unfair Trade Practices and Consumer Protection Law (UTPCPL), the Pennsylvania AG action was remanded to the Court of Common Pleas of Bradford County for further proceedings. At the request of the parties, the Court of Common Pleas held a status conference on October 6, 2021. At the conference, the Pennsylvania Attorney General informed the court that it will continue to pursue its common law antitrust claim against Anadarko—its sole remaining claim following the Pennsylvania Supreme Court ruling that disposed of all of the Commonwealth’s other claims. The Court of Common Pleas subsequently entered an order that set deadlines for Anadarko to file responsive pleadings to the Commonwealth’s Second Amended Complaint and for the Attorney General to respond to those pleadings.

4. On October 22, 2021, Anadarko filed its Amended Answer and New Matter; it later filed a Second Amended Answer and New Matter on December 9, 2021. The Commonwealth filed its Preliminary Objections to Anadarko’s Second Amended Answer and New Matter (“Preliminary Objections”) on December 29, 2021, and Anadarko filed its Answer to the Commonwealth’s Preliminary Objections on January 17, 2022. The parties then presented the Court with a stipulated schedule to brief the Commonwealth’s Preliminary Objections. The Court entered an Order on April 6, 2022 approving that briefing schedule. Pursuant to the Court’s April 6 Order, the Commonwealth filed its opening brief in support of its Preliminary Objections on May 11, and

Anadarko filed its response brief on June 13. The Court held oral argument on the Preliminary Objections on July 13, 2022, and took the Preliminary Objections under advisement. The Court issued a ruling largely overruling the Commonwealth's Preliminary Objections on November 3, 2022. The Commonwealth served its Reply to the Anadarko Defendants' Second Amended New Matter to the Commonwealth's Second Amended Complaint to Anadarko on December 21, 2022.

5. Because the Court of Common Pleas previously ruled that the AG cannot seek monetary damages on its common law antitrust claim and the Court's November 3, 2022 ruling does not change this earlier ruling, and because Anadarko no longer operates or owns leases in Pennsylvania, Anadarko believes the Court of Common Pleas should dismiss the AG's remaining claim on the pleadings. Therefore, on March 1, 2023, Anadarko filed a Partial Motion for Judgment on the Pleadings ("MJOP"). Concurrently, Anadarko also filed a Motion to Stay requesting the stay of discovery pending resolution of Anadarko's MJOP. Anadarko filed a corrected Motion to Stay on March 9, 2023. The Commonwealth served discovery requests on Anadarko thereafter, on March 10 and March 17, 2023. A hearing on Anadarko's corrected MJOP and Motion to Stay is scheduled for April 28, 2023.

6. Given the Attorney General's refusal to voluntarily dismiss its remaining claim, Plaintiffs and Anadarko are continuing to assess the best way to move forward on the claims against Anadarko in this case.

7. On October 31, 2022, Plaintiffs filed a Notice of Dismissal Pursuant to Federal Rule of Civil Procedure 41(a)(1) as to Certain But Not All Defendants, dismissing the respective actions only as to defendants Chesapeake Energy Corporation, Chesapeake Appalachia, L.L.C., Chesapeake Energy Marketing, Inc., Chesapeake Operating, L.L.C., as successor by conversion

and f/k/a Chesapeake Operating, Inc., in *P. Abrams*, at ECF No. 132, in *Arnold*, at ECF No. 130, in *R. Abrams* at ECF No. 123, and in *Ahern*, at ECF No. 124, without prejudice.

8. On November 7, 2022, pursuant to the Notice of Dismissal filed by Plaintiffs on October 31, 2022, the Court entered Orders, dated November 4, 2022, dismissing defendants Chesapeake Energy Corporation, Chesapeake Appalachia, L.L.C., Chesapeake Energy Marketing, Inc., Chesapeake Operating, L.L.C., as successor by conversion and f/k/a Chesapeake Operating, Inc., from the actions, without prejudice, in *P. Abrams*, at ECF No. 135, in *Arnold*, at ECF No. 133, in *R. Abrams*, at ECF No. 126, and in *Ahern*, at ECF No. 127.

9. For the foregoing reasons, the parties respectfully request continuation of the stay entered in these matters for another three months so that the parties can determine the best way forward.

Dated: May 1, 2023

Respectfully Submitted,

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